



### REMARKS

Claims 1-54 were pending in the application. Following a restriction requirement, claims 4-8, 13-17, 30, 42-43, 46-52 were withdrawn. Claims 1, 10, 40, 53 and 54. No claims have been added or cancelled. Therefore, claims 1-54 are pending and submitted for reconsideration.

#### Allowable Subject Matter

The indication that claims 26-28 contain allowable subject matter is greatly appreciated.

#### 35 U.S.C. § 102 Rejections

Claims 1-3, 9-12, 24, 40, 41, 44, 45, 53 and 54 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Publication No. 2002/0140258 ("Ekern"). The rejection should be withdrawn for at least the following reasons.

Ekern fails to disclose, teach or suggest each and every recitation of the claims. For example, Ekern does not disclose, teach or suggest a material comprising, among other things, a layer that is "laminated *directly* onto the porous material layer" as required by claim 1. Ekern discloses a ventilated seat that comprises an upper surface layer 14, a first inner layer 16, a porous material layer 22 and a lower surface layer 20. *See* Ekern at Figs. 2 and 3. The upper surface layer 14 is a porous material, such as leather. The first inner layer 16 is formed of a resin film layer 34 laminated to a foam layer 35. The porous material layer 22 is a spacer fabric with semi-rigid threads 42 extending between upper and lower netting 38, 40. No materials are laminated directly onto the spacer fabric. Rather the spacer fabric is attached by sewing 18 or by application of a tacky interior layer 36. *See* Ekern at ¶ [0020] and Fig. 3. Therefore, the rejection of independent claim 1 should be withdrawn.

Independent claim 10 recites a laminated material that comprises, among other things, a cover layer that is "laminated directly onto the spacer fabric." Independent claim 40 recites a seat that comprises, among other things, a cover layer that is "laminated directly onto the porous material." Independent claim 53 recites a material that comprises, among other things,

a “cover layer [that] is laminated directly onto the spacer fabric.” Independent claim 54 recites a laminated material that comprises, among other things, a cover layer that is “laminated directly onto the porous material layer.” Ekern fails to disclose, teach, or suggest such recitations. Therefore, the rejection of claims 10, 40, 53, and 54 should be withdrawn.

Furthermore, Ekern fails to disclose, teach or suggest a material comprising, among other things, a porous material that “ comprises a plurality of layers at least one of the layers being a layer of spacer fabric; wherein the layers of the *porous* material layer are laminated together,” as called for by claim 54. Ekern merely discloses a *non-porous* layer 16 that is formed of two layers 34, 35 laminated together. See Ekern at ¶ [0019] and Fig. 3. Thus, the rejection of claim 54 should be withdrawn.

Claims 2-3, 9, 11-12, 24, 41, 44, and 45 depend from claims 1, 10 or 40 and are allowable therewith, for at least the reasons set forth above, without regard to the further patentable subject matter set forth in these dependent claims.

#### 35 U.S.C. § 103 Rejections

Claims 18-22 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ekern in view of U.S. Patent No. 5,896,758 (“Rock”). Claims 18-23, 25 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ekern in view of U.S. Patent No. 6,627,562 (“Gehring”). Claims 31-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ekern. Claims 18-23, 25, 29 and 31-39 depend from claims 1, 10 or 40. The rejections should be withdrawn for at least the following reasons.

None of the references, taken together or separately, disclose, teach or suggest a material or a seat that comprises, among other things, a layer that is laminated directly onto a porous material layer as required by claims 1, 10 and 40. Ekern merely discloses that a spacer fabric is attached by sewing or a tacky interior layer. No materials are laminated directly onto the spacer fabric in Ekern. Rock and/or Gehring fail to cure the deficiencies of Ekern. Rock discloses a three-dimensional knit spacer fabric. Gehring discloses a fabric with interconnecting yarns 5 between a front face 2 and a back face 3. Rock and Gehring fail to

disclose a layer that is laminated directly onto a porous material layer. Thus, the rejections should be withdrawn.

Conclusion

Favorable reconsideration of the application, as amended, is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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